

Amendments to the Claims:

1. (canceled).
2. (currently amended) The method of operation of a communication device as claimed in claim 4, wherein additional at least the second set of pilot bits are used to provide channel estimation and ~~transmitted~~ to minimize impact on the power control process and minimize interference.
3. (currently amended) The method of operation of a communication device as claimed in claim 2, wherein the additional first set of pilot bits are used to provide power control ~~bits or additional pilot bits~~.
4. (currently amended) A method of operation of a communication device for transmitting pilot bits and data bits associated with the pilot bits, the method comprising the steps of:  
dividing a set of pilot bits in a message into a first set of pilot bits and a second set of pilot bits;  
sending ~~a~~ the first set of pilot bits at a first power level independent of the data rate of the associated data bits; and  
sending ~~a~~ the second set of pilot bits at a power level ~~related to~~ dependent on the data rate of the associated data bits.
5. (original) The method of operation of a communication device as claimed in claim 4 wherein the power level of the second set of pilot bits is set to zero at low data rates of the associated data bits.

6. (currently amended) The method of operation of a communication device as claimed in claim 4 further comprising the steps of:

determining a first gain factor for the first set of pilot bits;  
determining a second gain factor for the second set of pilot bits;  
determining a data gain factor for the data bits; and  
scaling the power at which the data bits and the pilot bits are transmitted in accordance with the respective gain factors and a received power control message.

7. (original) The method of operation of a communication device as claimed in claim 6 wherein the second gain factor for the second set of pilot bits is set to zero at low data rates of the associated data bits.

8. (canceled).

9. (canceled).

10. (canceled).

11. (currently amended) The method of operation of a communication device as claimed in claim ~~8~~ 4 wherein the second set of pilot bits are buffered prior to the step of deriving channel estimation information.

12. (currently amended) The method of operation of a communication device as claimed in claim ~~8~~ 4, further comprising the steps of:

determining the gain factor used for transmitting the second set of pilot bits;  
~~wherein the step of deriving power control information includes the step of deriving~~  
power control information from the first set of pilot bits and also from the second set of pilot bits using the determined gain factor.

13.(original) The method of operation of a communication device as claimed in claim 12, wherein the gain factor used for transmitting the second set of pilot bits is determined from signaling information received from the user device.

14. (currently amended) A communication device, transmitting pilot bits and data bits associated with the pilot bits, the communication device comprising:  
means for dividing the pilot bits into a first set of bits and a second set of bits;  
means for sending ~~a~~ the first set of pilot bits at a first power level independent of the data rate of the associated data bits; and  
means for sending ~~a~~ the second set of pilot bits at a power level ~~related to~~  
dependent on the data rate of the associated data bits.

15.(canceled).

16.(currently amended) ~~A~~ The method of operation of a communication device as claimed in claim 4, further comprising the steps of:  
receiving pilot bits, associated with data bits, at a received signal level from a user device;  
comparing the received signal level to a plurality of threshold values;  
transmitting a power control command ~~to the user device~~ indicating ~~the~~ a position of the received signal level relative to at least one of the plurality of thresholds.

17.(currently amended) The method of operation of a communication device as claimed in claim 16 wherein the step of transmitting a power control command ~~to the user device~~ includes the step of transmitting multiple power control commands, each indicating the position of the received signal level to one of the plurality of thresholds.

18.(currently amended) The method of operation of a communication device as claimed in claim 16 wherein the thresholds define a plurality of areas and the step of transmitting a power control command to the user device indicating the position of the received signal level relative to at least one of the plurality of thresholds comprises the step of transmitting a power control command ~~to the user device~~ indicating the position of the received signal level within one of the areas defined by the thresholds.

19.(currently amended) ~~A~~ The method of operation of a communication device as claimed in claim 18, further comprising the steps of

~~sending pilot bits associated with data bits at a transmit power level at least partly dependent upon the data rate at which the data bits are transmitted~~  
~~receiving a power control signal indicating the relative position of a corresponding received signal level and at least one of a plurality of threshold levels;~~  
incrementally adjusting the transmit power level dependent on the transmit power level and the indicated ~~relative position.~~

20. (canceled).

21. (canceled).

22. (canceled).

23. (canceled).

24. (canceled).

25. (canceled).